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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/884,303	06/19/2001	Garry D. Gladstone	GLADS-001A	4813
7663	7590	11/07/2005	EXAMINER	
STETINA BRUNDA GARRED & BRUCKER 75 ENTERPRISE, SUITE 250 ALISO VIEJO, CA 92656			COLBERT, ELLA	
			ART UNIT	PAPER NUMBER
			3624	
DATE MAILED: 11/07/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/884,303

Applicant(s)

GLADSTONE, GARRY D.

Examiner

Ella Colbert

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 10-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 10-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-7 and 10-27 are pending. Claims 1 and 10 have been amended in this communication filed 08/22/05 entered as Continued Examination.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08/22/05 has been entered.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-7 and 10-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US 5,454,104) Steidlmayer et al, hereafter Steidlmayer in view of (US 6,477,647) Venkatraman et al, hereafter Venkatraman.

Claim 1. Steidlmayer teaches, An automated method of communicating trade orders to a marketplace for financial instruments through an on-line trading account with a financial institution, the method comprising the steps of: (a) receiving, through the use

of a computer, trade trigger criteria for use by market analysis software, the market analysis software being configured to electrically receive market data, the trade trigger criteria being related to the market data (col. 4, lines 5-37 and fig. 2 (141)); (b) accessing, through the use of a computer, the market analysis software to analyze the market data and generate a trade decision in response to the trade trigger criteria being met by changes in the market data, the market data being independent of the trade decision (col. 9, lines 50-col. 10, line 20, fig. 2 (141)). Steidlmayer failed to teach, (c) automatically communicating, through the use of a computer, a trade order based upon the trade decision to the marketplace via the on-line trading account. Venkatraman teaches, automatically communicating, through the use of a computer, a trade order based upon the trade decision to the marketplace via the on-line trading account (col. 10, lines 13-29, fig. 2 (24), and fig. 7 (120)). It would have been obvious to one having ordinary skill in the art at the time the invention was made to automatically communicate through the use of a computer, a trade order based upon the trade decision to the marketplace via the on-line trading account and to modify in Steidlmayer because such a modification would allow Steidlmayer to receive a response through the computer and to execute the response according to the trade decision.

Claim 2. Steidlmayer failed to teach, The method of Claim 1 wherein the market analysis software is hosted by an entity different than the financial institution.

Venkatraman teaches, The method of Claim 1 wherein the market analysis software is hosted by an entity different than the financial institution (col. 5, lines 30-41 and col. 9, lines 12-18). Steidlmayer disclosed the market analysis software as discussed above in

claim 1. Venkatraman disclosed the entity being different than the financial institution. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the market analysis software is hosted by an entity different than the financial institution and to modify in Steidlmayer in view of Steidlmayer's teachings of marketing analysis software and because such a modification would allow Steidlmayer to have the capability to send an e-mail from one entity to another regarding the analysis.

Claim 3. Steidlmayer failed to teach, The method of Claim 1 wherein the on-line trading account is hosted at a web address accessible through a computer network. Venkatraman teaches, The method of Claim 1 wherein the on-line trading account is hosted at a web address accessible through a computer network (col. 1, lines 54-67). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the online trading account hosted at a web address accessible through a computer network and to modify in Steidlmayer because such a modification would allow Steidlmayer to have and Internet where a customer can connect with any available method and visit the OTC web page (URL) and trade.

Claim 4. Steidlmayer failed to teach, The method of Claim 1 wherein the market analysis software is hosted at a web address accessible through a computer network. Venkatraman teaches, The method of Claim 1 wherein the market analysis software is hosted at a web address accessible through a computer network (col. 9, lines 3-11, fig. 4, fig. 6, and fig. 7). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the market analysis software is hosted at a

web address accessible through a computer network and to modify in Steidlmayer because such a modification would allow Steidlmayer to have an Internet where a customer can connect with any available method and visit the OTC web page (URL) and trade.

Claim 5. Steidlmayer teaches, The method of Claim 4 wherein step (b) includes communicating the trade trigger criteria to the market analysis software via a computer network (col. 4, lines 14-26).

Claim 6. Steidlmayer teaches, The method of Claim 1 wherein the market analysis software is hosted at a personal computer (col. 3, lines 45-67 and col. 6, lines 56-58).

Claim 7. Steidlmayer teaches, The method of Claim 1 wherein the trade trigger criteria is based upon a status of the on-line trading account (col. 4, lines 14-22).

Claim 10. This independent claim is rejected for the similar rationale as above for claim 1.

Claim 11. This dependent claim is rejected for the similar rationale as given above for claim 3.

Claim 12. This dependent claim is rejected for the similar rationale as given above for claim 2.

Claim 13. This dependent claim has a step that corresponds to claim 4 above and is rejected for the similar rationale as given above for claim 4.

Claim 14. This dependent claim has a step that corresponds to claim 5 above and is rejected for the similar rationale as given above for claim 5.

Claim 15. This dependent claim has a step that corresponds to claim 6 above and is rejected for the similar rationale as given above for claim 6.

Claim 16. This dependent claim has a step that corresponds to claim 5 above and is rejected for the similar rationale as given above for claim 5.

Claim 17. Steidlmayer teaches, The system of Claim 10 wherein the market analysis software includes multiple market analysis software, each having a different analysis algorithm associated therewith (col. 12, line 25-col. 14, line 19).

Claim 18. This dependent claim is rejected for the similar rationale as given above for claim 7.

Claim 19. This independent claim is rejected for the similar rationale as given above for claim 7, 10, 16, and 18.

Claim 20. This dependent claim is rejected for the similar rationale as given above for claim 11.

Claim 21. This dependent claim is rejected for the similar rationale as given above for claim 12.

Claim 22. This dependent claim is rejected for the similar rationale as given above for claim 21

Claim 23. This dependent claim is rejected for the similar rationale as given above for claim 13

Claim 24. This dependent claim is rejected for the similar rationale as given above for claim 17.

Claim 25. This dependent claim is rejected for the similar rationale as given above for claim 16.

Claim 26. This dependent claim is rejected for the similar rationale as given above for claim 14.

Claim 27. This dependent claim is rejected for the similar rationale as given above for claim 18.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Keiser et al (US 6,505,174 B1) disclosed a securities trading system.

Higgins (US 5,270,922) disclosed a financial market and stock trading.

Inquiries

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 571-272-6741. The examiner can normally be reached on Tuesday-Thursday, 6:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 571-272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "E. Colbert", with a stylized flourish extending from the end.

E. Colbert
Primary Examiner
October 31, 2005